

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAGNIFY INC., et al.,

Defendants.

Adv. Pro. No. 10-05279 (SMB)

**STIPULATION AMENDING BRIEFING SCHEDULE ON POINT V OF DEFENDANTS’
MOTION TO DISMISS THE TRUSTEE’S SECOND AMENDED COMPLAINT**

WHEREAS, on December 6, 2010, Irving H. Picard, the trustee (the “Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III (“SIPA”) and the substantively consolidated chapter 7 estate of Bernard L. Madoff, filed a complaint in the above-referenced action in the United States Bankruptcy Court for the Southern District of New York, Adv. Pro. No. 10-05279 (SMB);

WHEREAS, on September 29, 2017, the Trustee filed a second amended complaint (the “Second Amended Complaint”);

WHEREAS, on October 30, 2017, the Defendants filed a motion to dismiss the Second Amended Complaint (the “Motion to Dismiss”), seeking dismissal of, among other things, claims based on transfers made prior to January 1, 2001 (“Point V of the Motion to Dismiss”);

WHEREAS, on December 13, 2017, the Defendants and Trustee filed, and the Court so-ordered, a stipulation to stay briefing and decision on Point V of the Motion to Dismiss pending the Court’s adjudication of the balance of the Motion to Dismiss (the “December 13, 2017 Order”);

WHEREAS, Paragraph 5 of the December 13, 2017 Order provides that the Trustee and Defendants shall file a stipulation setting forth a briefing schedule for Point V of the Motion to Dismiss within thirty (30) days of entry of an order on the Motion to Dismiss;

WHEREAS, on April 25, 2018, the Court entered an order denying the Motion to Dismiss;

WHEREAS, on May 22, 2018, the Court entered a stipulation and order setting forth a briefing schedule for Point V of the Motion to Dismiss (“Briefing Schedule”);

WHEREAS, Emmet, Marvin & Martin, LLP on July 23, 2018 substituted Davidoff Hatcher & Citron LLP as counsel of record for Defendants in the above-captioned proceeding; and

WHEREAS, on July 24, 2018, the Parties accordingly filed a stipulation amending the Briefing Schedule, which was so-ordered by the Court on July 25, 2018 (“Amended Briefing Schedule”);

WHEREAS, the Parties have agreed to extend the dates set forth in the Amended Briefing Schedule by ninety (90) days.

NOW, IT IS HEREBY STIPULATED AND AGREED, by the undersigned herein that:

1. The Trustee shall file his opposition to Point V of the Motion to Dismiss, if any, on or before January 25, 2019;
2. Defendants shall file their reply to the Trustee’s opposition, if any, on or before March 8, 2019; and
3. Oral argument on Point V of the Motion to Dismiss, if any, shall take place at a date and time to be determined by the Court.

Date: October 18, 2018
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Tracy L. Cole
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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

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*Attorneys for Defendants
Magnify Inc., Premero Investments Ltd.,
Strand International Investments Ltd.,
The Yeshaya Horowitz Association, Yair
Green, and Express Enterprises Inc.*

SO ORDERED:

Dated: **October 19th**, 2018
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE